

## § 100.18

## 33 CFR Ch. I (7–1–99 Edition)

must submit notice to the Designated Officer at least 135 days before the event. However, a sponsor may submit the notice no later than 60 days before the event if—

(1) The sponsor submitted a notice of the event in the year immediately preceding;

(2) The nature, location, scheduling, and other relevant information contained in the prior notice is essentially the same; and

(3) The Coast Guard required no permit for the prior event.

(d) The Coast Guard will provide a copy of the notice to the appropriate Federal, State, and local authorities having jurisdiction over the affected waters and also to the appropriate Federal, State, or local authorities having jurisdiction over potentially affected critical habitat of a threatened or endangered species or other designated environmentally sensitive area or an area of historic, cultural, or archeological significance, including an area of significance to Native Americans.

(e) If, after reviewing the notice, the Designated Officer determines that the event is likely to present a substantial threat to the safety of human life on navigable waters, the Designated Officer will notify the sponsor that the event may not be held unless the sponsor first obtains a Coast Guard permit for the event.

[CGD 95–054, 61 FR 33032, June 26, 1996]

EFFECTIVE DATE NOTE: At 61 FR 33032, June 26, 1996, §100.17 was added, effective Jan. 1, 1997. At 61 FR 60028, Nov. 26, 1996, the effective date was delayed until Jan. 1, 1998. At 62 FR 67570, Dec. 29, 1997, the effective date was delayed until Jan. 1, 1999. At 63 FR 71754, Dec. 30, 1998, the effective date was further delayed until Jan. 2, 2000.

### § 100.18 Permits.

(a) When a permit is required under §100.17(e), the sponsor of the event shall submit the following additional information to the Designated Officer within 30 days after the date of notice of the decision that a permit will be required:

(1) A detailed plan of how the sponsor plans to conduct the event so as to minimize the risk to the safety of human life on the navigable waters.

(2) A statement that the event will be conducted in compliance with all requirements under the Clean Air Act (42 U.S.C. 1857 *et seq.*), the Clean Water Act (33 U.S.C. 1321), and the Noise Control Act (42 U.S.C. 4901 *et seq.*), the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 *et seq.*), and other applicable Federal, State and local laws, regulations, and ordinances.

(3) If the event is subject to a State's Federally approved coastal zone management plan, a determination from the event sponsor that the event is consistent with the enforceable policies of that plan, as well as evidence showing when the State concurred, or was asked to concur, in that determination.

(4) The name of all Federal, State, or local authorities contacted about the event, the date of each contact, whether any agency indicated that the event will have an adverse impact on a resource, any steps an agency recommended to mitigate the impact, and the sponsor's plan to mitigate the impact.

(5) Any other information deemed necessary by the Designated Officer, such as information to assist the Coast Guard in preparing required environmental documents on the event, including, when appropriate, an agreement to implement any mitigation measures suggested by any Federal, State, or local authority.

(b) The Designated Officer will forward the information to the District Commander, who reviews the information submitted and issues a permit to the sponsor or notifies the sponsor that a permit has been denied and states the reasons for the denial. The sponsor may, within 15 days of the date of notice of the decision to deny a permit, request reconsideration and submit revised or additional information to show that the event has been modified. The District Commander reviews the information submitted for reconsideration and issues a permit or notifies the sponsor that a permit is denied.

[CGD 95–054, 61 FR 33032, June 26, 1996]

EFFECTIVE DATE NOTE: At 61 FR 33032, June 26, 1996, §100.18 was added, effective Jan. 1, 1997. At 61 FR 60028, Nov. 26, 1996, the effective date was delayed until Jan. 1, 1998. At 62

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FR 67570, Dec. 29, 1997, the effective date was delayed until Jan. 1, 1999. At 63 FR 71754, Dec. 30, 1998, the effective date was further delayed until Jan. 2, 2000.

### § 100.19 Appeals.

The sponsor of a marine event for which the District Commander has denied a permit may appeal that decision in writing to Chief, Operations, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, within 7 days of the date of the determination. After considering all material presented, the Chief, Operations, notifies the petitioner of the decision. The decision by the Chief, Operations, is final agency action.

[CGD 95-054, 61 FR 33033, June 26, 1996; CGD 95-054, 61 FR 36292, July 10, 1996]

EFFECTIVE DATE NOTE: At 61 FR 33033, June 26, 1996, § 100.19 was added, effective Jan. 1, 1997. At 61 FR 60028, Nov. 26, 1996, the effective date was delayed until Jan. 1, 1998. At 62 FR 67570, Dec. 29, 1997, the effective date was delayed until Jan. 1, 1999. At 63 FR 71754, Dec. 30, 1998, the effective date was further delayed until Jan. 2, 2000.

### § 100.20 Action on application for event assigned to State regulation by Coast Guard-State agreement.

(a) Upon receipt of an application for a regatta or marine parade of a type assigned to a State for regulation under a Coast Guard-State agreement, the District Commander will forward the application to the State authority having cognizance of the event. Further processing and decision upon such an application shall be conducted by the State.

(b) [Reserved]

### § 100.25 Action on application for event not assigned to State regulation by Coast Guard-State agreement.

(a) Where an event is one of a type not assigned to the State for regulation under a Coast Guard-State agreement (or where no such agreement has been entered), the Commander of a Coast Guard District who receives an application for a proposed regatta or marine parade to be held upon the navigable waters of the United States within his district shall take the following action:

(1) He shall determine whether the proposed regatta or marine parade may be held in the proposed location with safety of life. To assist in his determination, he may, if he deems it necessary, hold a public hearing to obtain the views of all persons interested in, or who will be affected by, the regatta or marine parade.

(2) He will notify the individual or organization which submitted the application:

(i) That the application is approved, and the nature of the special local regulations, if any, which he will promulgate pursuant to § 100.35; or

(ii) That the interest of safety of life on the navigable waters of the United States requires specific change or changes in the application before it can be approved; or

(iii) That the event requires no regulation or patrol of the regatta or marine parade area; or

(iv) That the application is not approved, with reasons for such disapproval.

EFFECTIVE DATE NOTE: At 61 FR 33033, June 26, 1996, § 100.25 was removed, effective Jan. 1, 1997. At 61 FR 60028, Nov. 26, 1996, the effective date was delayed until Jan. 1, 1998. At 62 FR 67570, Dec. 29, 1997, the effective date was delayed until Jan. 1, 1999. At 63 FR 71754, Dec. 30, 1998, the effective date was further delayed until Jan. 2, 2000.

### § 100.30 Approval required for holding event.

(a) An event for which application is required under § 100.15(a) shall be held only after approval of such event by the District Commander, except that applications referred to a State under § 100.10 shall be governed by the laws of that State.

EFFECTIVE DATE NOTE: At 61 FR 33033, June 26, 1996, § 100.30 was removed, effective Jan. 1, 1997. At 61 FR 60028, Nov. 26, 1996, the effective date was delayed until Jan. 1, 1998. At 62 FR 67570, Dec. 29, 1997, the effective date was delayed until Jan. 1, 1999. At 63 FR 71754, Dec. 30, 1998, the effective date was further delayed until Jan. 2, 2000.

### § 100.35 Special local regulations.

(a) The District Commander may issue regulations to promote safety of life on the navigable waters immediately before, during, and immediately after a marine event.